

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

EAM 40 MEADOW LANE LLC,

Debtor.

Case No. 22-10293 (BLS)

Chapter 7

In re:

EZL 40 MEADOW LANE LLC,

Debtor.

Case No. 22-10294 (BLS)

Chapter 7

**Hearing Date: June 8, 2022 at 11:00 a.m. (ET)**

**Objection Date: June 1, 2022 at 4:00 p.m. (ET)**

**APPLICATION OF CHAPTER 7 TRUSTEE, GEORGE L. MILLER  
TO EMPLOY COZEN O’CONNOR AS COUNSEL TO THE TRUSTEE  
NUNC PRO TUNC AS OF APRIL 11, 2022**

George L. Miller, the duly appointed chapter 7 trustee (the “Trustee”) for the estates of the above-captioned Debtors (collectively, the “Debtors” or “Estates”), hereby applies to this Court for authority to employ the law firm of Cozen O’Connor (“Cozen O’Connor”) as Counsel to the Trustee Nunc Pro Tunc as of April 11, 2022 (the “Application”), and in support thereof avers as follows:

**Jurisdiction**

1. The Court has jurisdiction over this Application pursuant to 28 U.S.C. §§157 and 1334 and the *Amended Standing Order of Reference* of the United States District Court for the District of Delaware, dated February 29, 2012. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

2. Venue of this proceeding and this Application is proper in this district pursuant to 28 U.S.C. §§1408 and 1409.

3. The statutory predicates for the relief sought herein are section 327(a) of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”) and Federal Rule of Bankruptcy Procedure 2014.

### **Background**

4. On April 6, 2022 (the “Petition Date”), EAM 40 Meadow Lane LLC and EZL 40 Meadow Lane LLC (collectively the “Bankruptcy Cases”) each filed a voluntary petition in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) for relief under Chapter 7 of Title 11 of the Bankruptcy Code.

5. On or about the Petition Date, the Office of the United States Trustee appointed George L. Miller as the Trustee to the Estates of the Debtors.

6. The Trustee desires to retain Cozen O’Connor as the Trustee’s general bankruptcy counsel.

7. Cozen O’Connor is a nationally recognized, full-service firm with bankruptcy and litigation capabilities. Moreover, Cozen O’Connor is well-qualified to represent the Trustee, as Cozen O’Connor’s bankruptcy, restructuring and insolvency department has considerable experience in similar matters.

8. The Trustee believes that the employment of Cozen O’Connor in the Bankruptcy Cases is in the best interests of the Estates and creditors. The Trustee believes, subject to the Declaration of John T. Carroll, III a Shareholder of Cozen O’Connor, which is attached hereto, that the firm is disinterested as defined in Section 101(14) of the Bankruptcy Code and does not hold or represent any interest adverse to the Debtors and the Debtors’ Estates, and is well-qualified to perform any and all legal services required by the Trustee on behalf of the Estates.

9. The Trustee anticipates that John T. Carroll, III of Cozen O'Connor will be principally responsible for the representation of the Trustee in these Bankruptcy Cases, and that his firm will, upon application to this Court, seek payment based upon its regular rates for services rendered in these matters.

10. The services rendered will likely consist of, among other services:

a. To advise and consult with the Trustee concerning questions arising in the conduct of the administration of the Estates and concerning the Trustee's rights and remedies with regard to the Estates' assets and the claims of secured, preferred and unsecured creditors and other parties in interest;

b. To appear for, prosecute, defend and represent the Trustee's interest in motions, contested matters, adversary actions, suits, and other proceedings arising in or related to the Bankruptcy Cases;

c. To investigate and prosecute actions, if any, arising under the Trustee's avoiding powers; and,

d. To assist in the preparation of such pleadings, agendas, motions, notices and orders as are needed for the orderly administration of the Estates.

e. To assist the Trustee in continuing to perform obligations required of administrator (as defined in Section 3 of the Employee Retirement Income Security Act of 1974) of any employee benefit plans of the Debtors to the extent necessary under 11 U.S.C. § 704(a)(11) or otherwise.

11. The Trustee is informed that the normal hourly billing rates as of the date of this filing of Cozen O'Connor's attorneys and paralegals who will be working on these matters at the time of this Application are as follows:

- a. Shareholders: \$880.00
- b. Members: \$570.00 - \$705.00
- c. Associates: \$505.00
- d. Paralegals: \$310.00

12. Upon his retention, the Trustee directed Cozen O'Connor to commence work on certain issues requiring immediate attention to prevent deterioration in the value of the Estates' property including but not limited to (a) telephone conferences with Trustee and Trustee's proposed accountants, (b) telephone conferences with Debtors' counsel regarding Debtors' business and operations, (c) review Bankruptcy Schedules and Statement of Financial Affairs, (d) review pleadings in connection with pre-petition litigation including (i) In re: *YH Lex Estates LLC v. Nir Meir, Ranee A. Bartolacci and Ermitage One, LLC*; United States Bankruptcy Court Southern District of NY; Adv. No. 22-01077; (ii) In re: *YH Lex Estates, LLC v. Nir Meir et al*; New York County Supreme Court; Case No. 151267/2022; (iii) In re: *YH Lex Estates, LLC v. Advantage Title Group Agency LLC*; New York County Supreme Court; Case No. 153169/2022; (e) negotiate settlement with YH Lex Estates LLC together with preparation of *Expedited Motion of Chapter 7 Trustee for an Order Approving Stipulation Between Chapter 7 Trustee and YH Lex Estates LLC Pursuant to Fed. R. Bankr. P. 9019* and attend expedited hearing thereto. In view of the above the Trustee respectfully requests that this Court authorize the retention of Cozen O'Connor nunc pro tunc as of April 11, 2022 pursuant to the terms set out herein.

### **Notice**

13. Notice of this Application has been provided to (i) the United States Trustee, (ii) counsel to the Debtors (iii) unsecured creditors or their legal counsel, if known, (iv) any party who has requested notice and service of papers in these Bankruptcy Cases pursuant to Bankruptcy Rule 2002. The Trustee respectfully submits that no further notice of this Application is necessary.

14. No previous application for the relief sought herein has been made to this or any other court.

WHEREFORE, the Trustee, George L. Miller, respectfully requests that this Court enter the proposed Order filed with the Application approving the retention of Cozen O'Connor nunc pro tunc as of April 11, 2022 and grant the Trustee such other and further relief as is just and proper.

Dated: May 10, 2022

COZEN O'CONNOR

*/s/ John T. Carroll III*

By:

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